

**The Greater Harrodsburg/Mercer County
BOARD OF ADJUSTMENTS AND APPEALS**

**109 Short Street
Harrodsburg, Kentucky 40330
(859)-734-6066**

SPECIAL CALLED MEETING

MINUTES

Date: May 18, 2006

Time: 4:30 p.m.

1. Chairperson called the meeting to order:

A. Roll Call of Members:

Board Members Present:

Bob Upchurch
Jim Mansfield
Chad Horn

Staff Present:

David Patrick, Staff Attorney
Shawn Moore, Executive Director
Jane Campbell, Administrative Asst.

2. OLD BUSINESS: None

3. NEW BUSINESS:

1. **07-06** – Glenn & Patsy Delk are requesting a Conditional Use Permit for the temporary use of a recreational vehicle for dwelling purposes during construction of a new single family dwelling. The property is located on 890 Providence Road in Mercer County, Kentucky. The zoning map indicates this property is zoned A-2 (Rural Residential). The applicant, Glenn Delk, was sworn in and testimony was taken from the applicant who resides at 890 Providence Road in Mercer County, Kentucky. With no public comment or opposition, staff findings and recommendations were presented to the board on this request. A motion was made by Member Horn and seconded by Member Mansfield to approve the Conditional Use Permit. Roll call vote was unanimous. Motion carried. It is the recommendation of staff that the Conditional Use Permit be granted under the following conditions:

- a) The use of the structure as a dwelling is terminated upon receipt of the Certificate of Occupancy issued by the building inspector.
- b) The Conditional Use Permit is valid for a period of 120 days from the date of the public hearing.
- c) The travel trailer shall be removed from its present position and placed in

- a normal state of storage on the property.
- d) The deck on the property that is not presently permitted is to be removed within 30 days of occupancy of the new home unless the permit is modified.
 - e) The granting of The Conditional Use Permit does not exempt the applicant from complying with all the requirements of the zoning regulations.
 - f) That the permit may be extended an additional 90 days only in the event of unforeseen circumstances deemed to be beyond the control of the applicant by the Board of Adjustments.
 - g) The applicant returns to the Board of Adjustments & Appeals **PRIOR** to any changes in the scope of the approved Conditional Use Permit.
 - h) The Conditional Use Permit will become null and void upon sale or transfer of the property from the applicant prior to receipt of the Certificate of Occupancy.

4. Chair Business:

1. Mercer Metal Sales – Mr. Erwin Esh – subpoenaed to appear before the Board to answer inquiries into violations of his Conditional Use Permit. Mr. Christian Inden who resides at 712 East Lexington Street in Harrodsburg, Kentucky was present to support Mr. Erwin Esh. Mr. Inden was advised that this was not a public hearing. Mr. Erwin Esh who resides at 1896 Louisville Road in Harrodsburg, Kentucky was present and after being sworn in began testimony regarding the violations of his Conditional Use Permit. Mr. Esh is the owner of Mercer Metal Sales. The Board questioned if Mr. Esh is also selling logs at the site, which is a violation of his permit. Mr. Esh stated that he does sell the logs and he also donates a lot of the logs to people within his church. He stated that he does burn wood and would like to keep some for his own personal use. The Board agreed this was justifiable. The Board instructed Mr. Esh to remove the logs and instructed the Executive Director to inspect the site on June 5, 2006 and ordered Mr. Esh to return to the next scheduled board meeting June 8, 2006 for follow-up.

5. Executive Session – (Litigation)

A motion was made by Member Mansfield and seconded by Member Horn to go into executive session for the purpose of discussing litigation. Motion unanimously carried. A motion was made by Member Horn and seconded by Member Mansfield to come out of executive session. Motion unanimously carried. No action was taken from executive session.

Adjournment: With no further business being brought before the board, a motion to adjourn was made by Member Mansfield and seconded by Member Horn. The meeting adjourned at 5:30 pm.

